

Attachment I

Cooperating Agency Agreement and Plan of Approach

Attachment I to the ALP Project Draft Supplemental Environmental Impact Statement (DSEIS) includes a copy of the Cooperating Agency Agreement between the Bureau of Reclamation (Reclamation) and the U.S. Environmental Protection Agency (EPA) for preparation of the SEIS. Also included is a copy of the Plan of Approach which was approved in August 1999 and outlines the approach Reclamation will use in preparing the DSEIS.

Attachment I - Part 1

**Cooperating Agency Agreement for the
Animas-La Plata Project**



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Regional Office
125 South State Street, Room 6107
Salt Lake City, Utah 84103-1102



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UC-407
ENV-6.00

JUN 4 1999

Mr. William P. Yellowtail
Regional Administrator
U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver CO 80202-2466

Subject: Cooperating Agency Agreement for the Animas-La Plata Project

Dear Mr. Yellowtail:

A revised final Cooperating Agency Agreement for the preparation of the Supplemental Environmental Impact Statement for the Animas-La Plata Project is enclosed for your signature. Please sign both original Agreements, retain one for your records, and return one.

Please disregard the Agreement sent last week with my apologies for the inconvenience. A re-ordering of EPA responsibilities and additions to number 2 of both agencies' responsibilities were made as agreed to by Cliff Rader and Mike Connor.

Again, we look forward to working with you and your staff.

Sincerely,

Charles A. Calhoun
Regional Director

Enclosures 2

cc: Mr. David Hayes, Acting Deputy Secretary, Department of the Interior,
1849 C Street NW, MS-7229-MIB, Washington DC 20240
Mr. Mike Connor, Deputy Director, Indian Water Rights Office,
1849 C Street NW, MS-3411, Washington DC 20240
(ea w/encl)

bc: Commissioner
Attention: W-1500, W-6334
Mr. John Bezdek, Office of the Solicitor, 1849 C Street NW, MS-6352-MIB,
Washington DC 20240
Western Colorado Area Office - Northern Division
Attention: WCN-CDeAngelis, WCS-PSchumacher
UC-400, -407
(ea w/encl)

Cooperating Agency Agreement
The U.S. Department of the Interior, Bureau of Reclamation
and
The U.S. Environmental Protection Agency

Preparation of the Supplemental Environmental Impact Statement to the
1996 Final Supplement to the Final Environmental Statement for the Animas-La Plata Project

The U.S. Department of the Interior, Bureau of Reclamation (Reclamation) has requested that the U.S. Environmental Protection Agency (EPA) serve as a cooperating agency for the preparation of the Supplemental Environmental Impact Statement to the 1996 Final Supplement to the Final Environmental Statement for the Animas-La Plata Project.

This agreement outlines the responsibilities of the EPA as a cooperating agency, and the Bureau of Reclamation as the lead agency,
and will appear in the Draft and Final Supplemental Environmental Impact Statements.

EPA Responsibilities

1. EPA will participate in the NEPA process through completion of the Final Supplement to the 1996 Final Supplemental EIS (SEIS) and Record of Decision.
2. EPA will meet with Reclamation when requested to the extent practicable given staff schedules.
3. EPA will provide staff support to enhance the interdisciplinary capability of the SEIS team.
4. EPA will review preliminary drafts of the draft and final SEIS and provide comments to Reclamation.
5. EPA will submit a reimbursement request to Reclamation for all appropriate travel related to the SEIS process.
6. EPA will seek to reach agreement with Reclamation on the content of the SEIS and decisions regarding selection of the preferred alternative and necessary mitigation measures. However, EPA's participation as a cooperating agency does not necessarily represent agreement with Reclamation on these issues.
7. EPA will conduct an official Clean Air Act Section 309 review of the Draft and Final Supplemental Environmental Impact Statements, including publishing a rating that addresses the environmental impact of the proposed action and the adequacy of the impact statement.
8. EPA's point-of-contact for all activities carried out under this agreement shall be:


Mr. Max Dodson, Assistant Regional Administrator, Office of Ecosystem Protection and

Bureau of Reclamation Responsibilities

1. Reclamation will use the environmental analysis and proposals of EPA, to the maximum extent possible, consistent with Reclamation's responsibility as lead agency.
2. Reclamation will meet with EPA when requested to the extent practicable given staff schedules.
3. Reclamation will provide funding for appropriate travel undertaken by EPA that is related to the SEIS process.
4. Reclamation will include in the introduction section of the SEIS a statement describing the extent of EPA's role as a cooperating agency.
5. Reclamation's point-of-contact for all activities carried out under this agreement shall be:

Mr. Pat Schumacher, Southern Division Manager, Western Colorado Area Office,
Bureau of Reclamation, P.O. Box 640, 835 East Second Avenue, Durango, CO
81302-0640; Phone: (970) 385-6500; Fax: (970) 385-6539.

William P. Yellowtail
Regional Administrator
U.S. Environmental Protection Agency
Region 8


Charles A. Calhoun
Regional Director
U.S. Department of the Interior,
Bureau of Reclamation
Upper Colorado Region

Attachment I - Part 2

**Plan of Approach
to Prepare a Supplemental EIS
to the 1996 Final Supplement to the FES
for the Animas-La Plata Project**

Plan of Approach

**To Prepare a
Supplemental EIS
to the
1996 Final Supplement to the FES
for the
Animas - La Plata Project**

**U.S. Bureau of Reclamation, Western Colorado Area Office, Southern Division
August 3, 1999**

Supplemental EIS to the 1996 Final Supplement to the FES

Plan of Approach

1. INTRODUCTION

This **Plan of Approach** outlines the approach that will be taken to prepare the Supplemental Environmental Impact Statement (SEIS). The SEIS will be developed using existing baseline data and analysis to the maximum extent possible. Much of this existing information is contained in the 1980 and 1996 NEPA documents which analyzed the impacts associated with a much larger project.

This Plan envisions the development/identification of a broad range of alternatives focusing on a reduced water supply and incorporating a non-structural element. Suggestions from the public and agencies have been and will continue to be evaluated by Reclamation and potential new or modified alternatives may be developed. As indicated earlier, much of the underlying analysis appears in the 1996 FSFES. That analysis will be re-examined in light of the new proposed action involving reduced water volumes.

All alternatives will undergo an initial threshold assessment to identify those which are capable of meeting the project *Purpose and Need*¹. The alternatives capable of meeting the *Purpose and Need* will then be evaluated further.

The technical aspects of each alternative will be described, the adequacy of existing environmental data about each alternative evaluated, and additional appraisal level (i.e. - reconnaissance-level) information gathered as necessary. Once these tasks have been completed, an in-depth analysis of each alternative will be undertaken to determine its potential environmental impacts. Alternatives will be compared to each other in terms of their environmental effects. At the conclusion of this process, a preferred alternative will then be selected.

The **Plan of Approach** also includes a proposed time line for major activities (Figure 1), suggests a process for resolution of policy issues, for agency coordination, and for public input.

¹ The *Purpose and Need*, as described in the January 4, 1999 federal register notice (64 Fed. Reg. 176), is to implement the Colorado Ute Water Rights Settlement Act by providing the Ute Tribes an assured long-term water supply and water acquisition fund in satisfaction of the Tribes' senior water rights claims as quantified in the Settlement Act, and to provide for identified municipal and industrial water needs in the Project area.

2. BACKGROUND

The Animas-La Plata Project (ALP) was authorized by the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 84-485), to be located in La Plata County in southwestern Colorado and in San Juan County in northwestern New Mexico. The project was originally designed to provide irrigation and municipal and industrial (M&I) water supplies to non-Indians and Indians.

In 1988, Congress incorporated ALP into the Colorado Ute Indian Water Rights Settlement Act (Settlement Act), P.L. 100-585, in order to settle significant Colorado Ute tribal water rights claims.

The Bureau of Reclamation (Reclamation), in complying with the National Environmental Policy Act (NEPA) of 1969, prepared a Final Environmental Statement (FES) in 1980, a Draft Supplement to the Final Environmental Statement in 1992, and a Final Supplement to the Final Environmental Statement (FSFES) in 1996.

There continued to exist controversy associated with the proposal described in the 1996 FSFES. At the request of the Tribes and the Secretary of the Interior, Colorado Governor Roy Romer and Lt. Governor Gail Schoettler began a process involving both Project supporters and opponents in an attempt to address unresolved issues. From the Romer-Schoettler process evolved both a structural and several nonstructural alternatives. The structural alternative, the Animas-La Plata Reconciliation Plan, would involve construction of a large Ridges Basin reservoir which would divert water from the Animas River. The project would be limited in operation to an average annual depletion from the San Juan Basin which could not exceed 57,100 acre feet per year (afy). The Reconciliation Plan expected increased diversions in the future, relying on the Endangered Species Act (ESA) recovery program which has, as one of its two goals, the development of additional depletions in the San Juan Basin. The nonstructural alternatives focused on options limited to providing water or other benefits to the Tribes in satisfaction of their water rights claims. Included in these options are providing the Tribes with funds, water from existing projects, and/or the acquisition of existing direct flow water rights.

On August 11, 1998, the Secretary of the Interior presented an Administration Proposal for a structural and a nonstructural project which would:

- provide for the construction of a reduced storage facility at Ridges Basin to supply a portion of the Tribes' water supply described in the 1988 Act, and to provide limited M&I supplies for non-Indian entities;
- provide that water stored at Ridges Basin would only be used for M&I purposes;
- establish a water rights acquisition/development fund that could be used by the Tribes for a variety of economic development purposes, including the acquisition of direct flow water rights. The water supply from the facility at Ridges Basin and the Tribal Development Fund would be in satisfaction of all outstanding Tribal claims on the Animas and the La Plata Rivers; and

- comply with all applicable laws, including the ESA and NEPA, and comply with the U.S. Fish and Wildlife Service's (FWS) determination that depletions from the San Juan Basin cannot exceed an average 57,100 afy under the ESA.

Reclamation and the Tribes are working together to satisfy the environmental requirements associated with a reduced project. As part of this effort, the Tribes will play a key role in developing the SEIS, from Scoping through preparation of the Final SEIS.

3. NEPA COMPLIANCE

As part of the NEPA requirements for this project, Reclamation is preparing a Supplemental Environmental Impact Statement (SEIS) to the 1996 Final Supplement to the Final Environmental Statement. A description of the resources potentially impacted, an assessment of those impacts, and an evaluation of options to avoid or mitigate impacts will be prepared, following the standard Bureau NEPA EIS format. A discussion of alternatives considered and rejected will be prepared, with a description of the analysis and rationale for rejection. Some new information will be needed to assess the potential environmental impacts of the changes to the project since the 1996 assessment was completed. Data gaps in the existing baseline of information will be identified, and data will be gathered at the reconnaissance level to fill those gaps. An initial anecdotal review of data gaps for an initial selection of alternatives was conducted to gain a better understanding of the types of data collection that may be required (see Table 1).

There exist substantial data and analyses which provide engineering, cost and environmental information on many of the alternatives. Use of this existing information will be made to the extent possible. This will allow for an objective analysis and evaluation of the various alternatives, sufficient to select a preferred alternative. It is anticipated that the use of existing information will reduce the amount of time to prepare the SEIS and complete the NEPA analysis.

4. ALTERNATIVE THRESHOLD ASSESSMENT

The extensive history of this project, and the wealth of data and analyses that have been developed, will be fully used to develop the new SEIS. Much of the environmental documentation has already been done, and the focus of the supplemental documentation will largely be to analyze new alternatives and modifications in environmental impacts. Several new alternatives have not been fully evaluated, and it is expected that some field reconnaissance-level data gathering will be required. In addition, several alternatives proposed are in a preliminary conceptual state and will have to be further developed before an objective NEPA evaluation can be done. It will be important to develop a "level playing field" of data adequacy and analysis, so that each practicable alternative is given a fair and objective evaluation.

a. **Identify and Develop Alternatives**

The Federal Register Notice of Intent (NOI) issued by Reclamation on January 4, 1999, described eight alternatives, including the proposed action (the Administration Proposal, including both its structural and nonstructural components), a no-action alternative, four structural (i.e. involving construction of a new reservoir) and two nonstructural alternatives:

- Administration Proposal
 - Structural element - an approximately 90,000 acre-foot (af) storage reservoir at Ridges Basin, Animas River pumping plant, etc; and a
 - Nonstructural element - establish a Tribal water rights acquisition/development fund for potential purchase of approximately 13,000 afy (depletion) of water
- Administration Proposal with recreational element added, increasing the overall reservoir size to approximately 120,000 af.
- Animas-La Plata Reconciliation Plan (Romer-Schoettler structural alternative as represented by the legislation introduced during the 105th Congress (S. 1771 & H.R. 3478))
- Animas River Citizens' Coalition Conceptual Alternative (Romer-Schoettler non-structural alternative)
- 1996 FSFES Alternative
- Administration proposal with alternative water supply for non-Ute entities
- Citizens Progressive Alliance Proposal (instream leasing coupled with other non-structural alternatives)
- No Action alternative

Additional alternatives were suggested by the public at the scoping meetings held on February 2, 3 and 4, 1999. Another two alternatives that will be considered are:

- Administration Proposal, with a pumping regime consistent with ESA recovery plan (approximately 105,000 af storage)
- Administration Proposal, with a pumping regime consistent with ESA recovery plan, and inactive pool for water quality, recreation and fisheries at Ridges Basin (approximately 135,000 af storage)

In addition, upstream gravity structural alternatives (e.g., Howardsville (mainstem), Purgatory (off-stream), Teft Diversion (mainstem), Animas Reservoirs (mainstem)), as well as downstream structural alternatives (e.g., Bondad Diversion (mainstem), Cedar Hill (mainstem)), all of which have been the subject of previous analysis in earlier NEPA and Clean Water Act (CWA) documents, will be reviewed for validity and practicability in light of the revised project *Purpose and Need*. If found to have merit, one or more of these structural alternatives may be included in the list of alternatives to be considered further.

b. Compare the Alternatives to Purpose and Need

In order to make an initial comparison of alternatives and an initial determination whether it would meet the *Purpose and Need* of the proposed federal action, the elements of each alternative will be defined in detail using existing data, information and estimates. Each alternative and potential "hybrid" alternative (i.e., an alternative which could ultimately be developed from individual components of the alternatives) will be tested for these factors:

- *Yield* - will the alternative annually provide the desired volumes of "wet water" (i.e., water readily available for beneficial use) for the Ute Tribes in order to satisfy the Tribes' senior water rights claims, as well as other identified Indian and non-Indian users? The *Purpose and Need* describes an intent to implement the Settlement Act which contemplated an average water supply of 62,200 afy (53,200 afy depletion) being made available to satisfy the Ute Tribes' water rights claims in the Animas and LaPlata river basins.
- *Reliability* - Will the alternative provide a reliable, long-term water supply? Will the yield be renewed annually by the hydrologic cycle?
- *Location* - Will "wet water" be reasonably available to the designated users on their lands and/or communities? Are needed water conveyance facilities feasible for development?
- *Practicability* - Is the development of the alternative technically feasible? Are there impediments or restrictions which make development of the alternative impractical?

As a preliminary matter, these factors will be used to determine the aspects of each alternative that need to be developed in more detail, including the preparation of appraisal-level engineering information and selected environmental information.

5. ANALYSIS OF ALTERNATIVES

The alternatives that meet the threshold requirements of *Purpose and Need* will be developed further, so that an objective evaluation of their potential environmental impacts and a determination of a preferred alternative can be made.

a. Assess Data Adequacy

A review of existing resources and information about each alternative meeting the baseline *Purpose and Need* test will be made to determine if sufficient information (e.g., Bureau baseline information, data and analyses, previous NEPA documents, agency baseline data, other third party studies, etc.) is available in order to:

- locate the alternative's features, its scope and relationship to other alternatives;
- describe the existing environment that would be impacted by development of the alternative's features;
- describe the direct, indirect, and cumulative environmental impacts that would likely occur;
- characterize the technical and economic features of the alternative; and
- address issues raised at scoping and agency review.

An evaluation of the adequacy of available information will also determine if there is sufficient information to make appropriate impact comparisons among alternatives and to evaluate the cumulative impacts of the proposed action when added to past, present, and other reasonably foreseeable actions.

An initial review of data gaps for an initial selection of alternatives was conducted to gain a better understanding of the types of data collection that may be required (see Table 1). It appears that additional information on engineering and associated cost, hydrology, water quality, wildlife habitat, socioeconomic impacts, land use, and aquatic resources will likely be required for several of the alternatives, either as new information to fill data gaps, or as updates to existing data.

A review of the requirements for compliance with other laws will be made (e.g., ESA, CWA), to determine if the baseline information is sufficient to complete whatever applications and analyses will be required.

The data adequacy review will identify data gaps and areas where existing data will need to be substantiated, technical issues that will require "fleshing out", and project locations where the most intensive analyses will be required. Protocols will be developed for the collection of reconnaissance-level field data as well as coordination with state and federal regulatory agencies, as appropriate. Non-structural alternatives will be expanded to identify either a range of potential land and water rights holders that would potentially be impacted, or areas of potential effect for willing buyer-seller water rights/land transactions.

A time line will be developed for each task, and any conflicts with the overall SEIS schedule will be identified. Recommendations for resolving any schedule conflicts will be made.

b. Gather Environmental Data

Appraisal-level (reconnaissance-level) field work will be conducted as necessary to fill data gaps describing each alternative, the environmental setting for the alternative and its elements, and to allow an appraisal of potential impacts. The potential impacts from development and operation of each alternative will be described and evaluated. Results will be documented in reports for these resource areas:

<p>Table 1 Animas-La Plata Data Identification Table</p>			
ALTERNATIVES	DATA GAPS ²		
	¹ Purpose and Need Data Needed	⁴ Environmental Data Needed	⁵ Engineering Data Needed
1) Administration Proposal	Complete	1 - Hydrology, 2 - Water Quality 4 - Wildlife-Elk, 9 - Socioeconomic	Complete
2) Admin. Proposal & Recreation Element	Complete	1 - Hydrology, 2 - Water Quality 4 - Wildlife-Elk, 9 - Socioeconomic 10 - Land use	Complete
3) Admin. Proposal & SJRBRIP ESA Element	Complete	1 - Hydrology, 2 - Water Quality 4 - Wildlife-Elk, 9 - Socioeconomic 10 - Land use	Complete
4) Admin. Proposal & Recreation & ESA Elements	Complete	1 - Hydrology, 2 - Water Quality 5 - Fish - Animas Flow, 9 - Socioeconomic, 10 - Land use	Complete
5) Reconciliation - Structural	Complete	1 - Hydrology, 5 - Fish - Animas Flow 9 - Socioeconomic, 10 - Land use	2 - Development Costs 3 - O&M Costs
6) Citizens Coalition Proposal - Non-structural	3 - Location, 4 - Reliability	All 1 thru 13	All 1 thru 5
7) 1996 FSFES	Complete	1 - Water Quality, 4 - Wildlife 9 - Socioeconomic	Complete
8) Admin. Proposal w/ 15,340af. of non-Ute Water (includes Aztec Reservoir)	3 - Location, 4 - Reliability	All 1 thru 13	All 1 thru 5

² All "Completed" criteria will need to be updated.

³ Purpose and Need requirements: 1) Yield, 2) Reliability, 3) Location, 4) Practicability.

⁴ Environmental Information Needs: 1) Water Resources and Hydrology, 2) Water Quality, 3) Wetlands, 4) Wildlife Habitat, 5) Aquatic Resources, 6) Endangered and Special Status Species, 7) Soils and Geology, 8) Recreation, 9) Socioeconomics, 10) Land use planning, 11) Cultural Resources, 12) Visual and aesthetics, 13) Transportation, public hazards and safety

⁵ Engineering Needs: 1) Feasibility, 2) Development Costs, 3) O&M Costs, 4) Impact to ongoing Operation, 5) Public Safety

9) Citizens Progressive Alliance Proposal	All 1 thru 4	All 1 thru 13	All 1 thru 5
10) No Action Alternative	Update	Update	Update

- Water Resources and Hydrology
- Water Quality
- Wetlands
- Wildlife Habitat
- Aquatic Resources
- Endangered and Special Status Species
- Possibility of Mitigation
- Soils and Geology
- Recreation
- Socioeconomics
- Land use planning, including agricultural use.
- Cultural Resources, including archaeological, paleontological, ethnographical, and historical resources
- Visual and aesthetics
- Transportation, public hazards and safety

c. Develop Engineering Aspects of Alternatives

Appraisal-level technical analyses will be developed for each alternative to better define it. Existing data will be used to determine, at an appraisal engineering level of detail, the feature sizes, locations, and configurations of each alternative passing the baseline test. Each alternative will be described, and plans, layouts, designs, and cost estimates will be prepared. Individual components will be described in sufficient detail to allow comparisons among alternatives and provide confidence of technical feasibility and financial soundness. Sketches, drawings or illustrations will be prepared, as appropriate.

An estimate of the overall costs for the development and the operation and maintenance of each alternative will be made. Examples of costs include those associated with water storage and/or water delivery facilities, water rights, land, access and relocation, environmental and cultural mitigation, recreation, benefits foregone, administrative and legal requirements, overhead, and profit.

An engineering report will be prepared, including appraisal engineering assumptions, maps, a brief narrative description and location, a table showing each feature, and estimated capital costs during construction and annual operation and maintenance costs.

d. Conduct Analysis of Alternatives

An in-depth analysis of the potential environmental impacts of the alternatives will take place, using the additional appraisal-level (reconnaissance-level) information developed for each alternative that satisfied the *Purpose and Need* test. A matrix will be developed to allow an evaluation of the potential environmental impacts of each alternative. Included in the evaluation will be a review of potential tribal water uses in either the near term or in future generations. Identification of potential uses will facilitate a more comprehensive environmental analysis but is not binding on the Tribes as they allocate water for future uses. Alternatives will be compared to each other in terms of their environmental effects. A preferred alternative will then be selected. This alternative could potentially be a "hybrid"--i.e. developed from individual components of the other alternatives.

e. Indian Trust Assets, Connected Actions and Cumulative Impacts

Indian trust assets and environmental justice (Executive Order 12898) issues will be addressed in the SEIS. Potential tribal water uses, in either the near term or in future generations, will be evaluated. Future federal actions which may be associated with potential tribal water uses will be subject to NEPA review at the time they are proposed; the process and triggering actions for future NEPA review will be spelled out in the SEIS.

Operation of Navajo Reservoir is a connected action to ALP and other water resource activities in the San Juan basin, such as the Navajo Indian Irrigation Project (NIIP). This connection stems from: 1) past ESA consultations which established and relied upon the San Juan River Basin Recovery Implementation Program (SJRBRIP) and listed certain reasonable and prudent alternatives to avoid jeopardy to endangered species; 2) San Juan River flow recommendations, currently nearing completion, developed and approved by SJRBRIP; and 3) Reclamation's previous commitment to operate Navajo Reservoir for the benefit of endangered fish in the San Juan basin. Consideration of Navajo Reservoir operation issues and impacts (e.g. flow regimes, riparian impacts, reservoir levels, reservoir recreation issues, trout fishing and habitat issues, etc.) will be included in this ALP SEIS at an appropriate level of completeness. However, the ALP SEIS will not serve as the environmental compliance document for Navajo Reservoir operation issues. Reclamation has informally initiated an environmental compliance process for Navajo Reservoir operation which will continue separate from, but coordinated with, the ALP SEIS.

Cumulative impacts will be evaluated in the SEIS, including the cumulative impacts of ALP and other actions on endangered species, and water development opportunities for other communities in the San Juan River basin (e.g., completion of the NIIP, utilization of decreed rights by the Jicarilla Apache Tribe, and development of the Navajo-Gallup pipeline).

6. REFINE PREFERRED ALTERNATIVE

Engineering designs on the preferred alternative will be developed to support Congressional requests

for project authorization and funding. This level of design provides a high confidence in cost estimates and technical viability. The level of effort is greater than an appraisal technical analysis, but less than required for final construction drawings and specifications. These designs will be prepared for the preferred alternative, including several drawings for each major component. Cost estimates will be prepared. The preferred alternative design items could include earth embankments, outlet works, pumping plants, pipelines, canals, wetlands, relocations, water treatment plants, recreation facilities, and modifications to existing water storage and delivery systems. If the preferred alternative includes or is limited to non-structural components, an in-depth analysis of these components will be done including land use and water rights.

Any mitigation features may also require design support and the effectiveness of such features will be discussed. These designs will be used to develop a project description that will define the whole of the action to be used for environmental analysis and compliance.

An analysis of possible sources of development and operation funding for the project will be developed. This will include identification of beneficiaries of the project, allocation of project costs among beneficiaries and identification of reimbursable and non-reimbursable costs.

An Appendix to the SEIS will be completed with a preferred alternative design report. This report will include a narrative, design assumptions, design calculations, drawings, cost estimates, and allocations of reimbursable and non-reimbursable costs.

7. PROCEDURE

The SEIS is being prepared at the direction of Reclamation with participation by the Ute Mountain Ute Tribe as a co-lead pursuant to the Tribe's right to assume certain agency responsibilities under the Indian Self-Determination Act (ISDA) (25 U.S.C. § 450 et seq.). In this role, the Tribe is subject to the same regulations as the agency itself. Accordingly, as allowed by the NEPA regulations, the Tribe has hired a contractor, Resource Management International, Inc., to prepare a substantial portion of the SEIS.

Individual sections of the SEIS will be prepared as a series of incremental deliverables for review in stages by Reclamation, the Tribe, and EPA to give direction on the content of subsequent sections. A preliminary draft SEIS (PDEIS) will be prepared for review by Reclamation, the Tribe, EPA, and other interested agencies.

After responding to comments and making appropriate changes, a draft SEIS (DSEIS) will be prepared and made available to the public and interested agencies. Supporting appendices will be prepared and made available as part of the DSEIS.

Once the public review has been completed, a draft response to comments will be prepared and draft text changes will be made to the DSEIS. A preliminary final SEIS (PFSEIS) will be prepared and distributed for review to Reclamation, the Tribe, and EPA with text changes highlighted to show

readers new and revised text. Changes will be made as appropriate, and the final SEIS (FSEIS) will be prepared for release. The FSEIS will include comment letters and the responses to comments.

8. PUBLIC INVOLVEMENT

Reclamation's public involvement plan is intended to inform the public as well as solicit public responses and input regarding the public's needs, values, and suggestions. It is intended that public input will be factored into the development and evaluation of alternatives on an on-going basis. Public input will be actively solicited by the following actions by Reclamation and the Tribes:

- Identify stakeholders and interested members of the public, agencies and other parties;
- Develop and maintain a mailing list of these stakeholders and interested parties;
- Prepare and distribute six newsletters to inform the public of project progress, in approximately May, July, September, and November 1999, and January and May 2000;
- Prior to release of the SDEIS, if requested, schedule individual meetings with interested members of the public to provide appropriate information regarding progress on the SEIS, including alternatives analysis and CWA analysis.
- Prepare and publish Notices of Availability, and distribute the DSEIS and FSEIS;
- Conduct three public hearings to solicit public input on the DSEIS; and
- Maintain an informational website and post newsletters, the DSEIS and FSEIS, and solicit input from users.
- Develop and maintain informal contacts with key stakeholders and interest groups

9. ISSUE IDENTIFICATION AND RESOLUTION

It is in the interests of all parties to this effort that any issues or problems be identified and resolved at the lowest level of decision making, and in the most expeditious manner possible. Unresolved issues can lead to misdirection of effort, and delays in the preparation of the SEIS.

On the basis of initial discussions with the parties, there is at least one outstanding issue that will require resolution and direction:

- *Validity of Senior Indian Water Rights* - Comments have been made challenging the validity of the senior Ute water rights. This issue could potentially affect the *Purpose and Need* for the proposed action.

Because of the public interest, as well as the long history associated with the ALP, it is likely that other issues will be identified as the preparation of the SEIS continues.

10. TIME LINE

A time line for completion of the FSEIS is attached as Figure 1, with a scheduled completion of the FSEIS by April/May 2000.

11. AGENCY COORDINATION AND CONSULTATION

Coordination and consultation with cooperating federal and other interested agencies will be done concurrently with the development of alternatives and preparation of the SEIS, to the maximum extent possible. Status reports of progress, project planning meetings and conference calls, meetings with cooperating agencies, and regular interaction between the Tribe's Study Manager, key SEIS team members, and Reclamation staff will all be important in maintaining coordination and communication.

As required under section 7 of the ESA and section 102 of NEPA, a draft and final Biological Assessment (BA) will be prepared to identify any threatened and endangered species which are likely to be affected by the proposed action.

It is anticipated that the BA will be prepared concurrently with the development of alternatives and their evaluation. The full range of alternatives will not be presented to the FWS in the BA. Instead, the BA will be prepared for the preferred alternative. A draft BA for internal review will be prepared when the PDSEIS is prepared. Revisions and corrections will be made, and the BA will be filed with the FWS at the same time that the PDSEIS is released for agency review.

A section 404(b)(1) guidelines evaluation under the CWA will be prepared to analyze and describe the potential impacts from the proposed discharges of dredged or fill material into the waters of the United States as a result of the construction and operation of the project. It will be prepared in draft form when the PDSEIS is prepared for agency review. A revised draft will be made available for public review at the time that the DSEIS is released. A final evaluation will be prepared as part of the FSEIS.

Pursuant to the National Historic Preservation Act, coordination with the appropriate historical preservation offices (State and Tribal) will take place during the SEIS period, including Class I and Class II surveys, and the development and/or amendment of any necessary Memoranda of Agreement with the SHPO or THPO regarding the preferred alternative.

Native American consultation will be ongoing throughout the SEIS process. An Indian Trust Assets (ITA) report will be prepared as part of the SEIS process. A report and consultation record on impacts to sites and items covered under the North American Graves Protection and Repatriation Act (NAGPRA) will be prepared, and a plan of action or agreement with the Tribes under NAGPRA will

be developed.